

AUG 31 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

HECTOR VASQUEZ ESCALANTE,
Petitioner,

v.

WARDEN BRYAN B. WATSON,
Respondent.

Civil Action No. 7:10-cv-00370

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED and ADJUDGED

that Escalante's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** and this case shall be **STRICKEN** from the active docket of the court.

Further, finding that Esclante has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

Escalante is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 34th day of August, 2010.


United States District Judge